THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 15th day of December ,2006

W.P.No.26116 of 2006

Between :

K. Karunakara Reddy … Petitioner

and

Arbitrator-cum-Commissioner of

Cooperation and Registrar of

Cooperative Societies,

Gruhakalpa Building,

Hyderabad & another … Respondents

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W.P.No.26116 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the 1st respondent in not passing just and proper interim order in the dispute in R.C.No.7 of 2006 raised by the petitioner as arbitrary and illegal and consequently to direct the 1st respondent to dispose of the said dispute expeditiously and also to direct that till the decision is arrived at in the said dispute, 2nd respondent shall not resume possession or allot the plot of the petitioner bearing No.321-A-19, Block No.1, Jubilee Hills, Hyderabad to any other member.

It appears, the petitioner was a Member of the 2nd respondent- Cooperative House

Building Society. In the draws conducted on 10-7-1991, he was allotted Plot No.321-A19, Block No.1, Jubilee Hills, Hyderabad and in pursuance of the said allotment, a sale deed was executed and got registered by the 2nd respondent in his favour, vide document No.1449/1991. Subsequently, his two sons were also admitted as Members of the 2nd respondent-society vide Membership Nos.2700 and 2749. They were also allotted two different plots in the same draw that was conducted on 10-7-1991. Those plots were registered in favour of his sons immediately thereafter. Further, his two sons have sold out their plots in the year 1994 and 2002 respectively. Due to paucity of funds, the petitioner could not make construction in the plot that was allotted and registered in his favour. While the matter stood thus, 2nd respondent-society issued a show cause notice on 1-9-2006 proposing cancellation of allotment of plot, which was already registered in favour of the petitioner and for resumption of possession of the said plot on the ground that the admission granted to his two sons vide Admission Nos.2700 and 2749 and allotment of plots in their favour and registration thereof as regards Plot Nos.321-A20 and 321-A22 is in contravention of Bye-law No.42-F of the Society. The petitioner submitted detailed explanation on 17-9-2006. By an Order dated 24-11-2006 not only cancelled the membership of the petitioner, but also the allotment made in his favour. Questioning the said Order, the petitioner raised a dispute under Section 61 of the A.P. Cooperative Societies Act,1964 (for short 'the Act') before the 1st respondent vide R.C.No.7 of 2006 on 6-12-2006. The arbitration case is still pending. In the meanwhile, it is the apprehension of the petitioner that the possession of the plot will be resumed by the 2nd respondent and he will be dispossessed; therefore, he has also filed stay petition along with the dispute raised under Section 61 of the Act. However, neither the stay petition is disposed of nor it was taken up for consideration. Therefore, this Writ Petition.

In the facts and circumstances of the case, without expressing any opinion on merits, the 1st respondent is directed to dispose of the stay petition purported to have been filed by the petitioner in the dispute in R.C.No.7 of 2006, within a period of three weeks from the date of receipt of a copy of this order. Till such time, status quo as on today shall be maintained as to the nature of possession of Plot No.321-A19, Block No.1, Jubilee Hills, Hyderabad.

With the above direction, the Writ Petition is disposed of at the admission stage.

15-12-2006

Issue wire of the operative

Portion of the order at

Petitioner's expense

(B.O.)

prk